

Attachment A

FILED

APR 12 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

WAYNE THOMAS JOHNSON

\_\_\_\_\_  
Your full name

FEDERAL CIVIL RIGHTS  
COMPLAINT  
(BIVENS ACTION)

v.

Civil Action No.: 3:21CV 53  
(To be assigned by the Clerk of Court)

OFFICER HACKNEY  
WARDEN HUGGINS

Groh  
Trumble  
Sims

\_\_\_\_\_  
Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Wayne T. Johnson Inmate No.: 34466-057  
Address: HAZELTON WSP P.O. Box 2000  
BRUCE TON MILLS, WV, 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: HACKNEY  
 Position: OFFICER  
 Place of Employment: HAZELTON USP  
 Address: P.O. Box 2000  
BRUCEYTON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: in A cell search  
in E/Dorm cell 102

B.1 Name of Defendant: HUGGINS  
 Position: WARDEN  
 Place of Employment: HAZELTON USP  
 Address: P.O. Box 2000  
BRUCEYTON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: As the Authority  
over all in charge.

B.2 Name of Defendant: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Place of Employment: \_\_\_\_\_  
 Address: \_\_\_\_\_

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

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If your answer is "YES," briefly explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B.3 Name of Defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred?    ☐ Yes        ☐ No

If your answer is "YES," briefly explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B.4 Name of Defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred?    ☐ Yes        ☐ No

If your answer is "YES," briefly explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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B.5 Name of Defendant: \_\_\_\_\_  
Position: \_\_\_\_\_  
Place of Employment: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: HAZELTON WSP

A. Is this where the events concerning your complaint took place?  
☒ Yes ☐ No

If you answered "NO," where did the events occur?  
\_\_\_\_\_

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?  
☒ Yes ☐ No

D. If your answer is "NO," explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 No Reply  
 LEVEL 2 No Reply  
 LEVEL 3 No Reply

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court: \_\_\_\_\_  
*(If federal court, name the district; if state court, name the county)*

3. Case Number: \_\_\_\_\_

4. Basic Claim Made/Issues Raised: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

5. Name of Judge(s) to whom case was assigned: \_\_\_\_\_

6. Disposition: \_\_\_\_\_  
*(For example, was the case dismissed? Appealed? Pending?)*

7. Approximate date of filing lawsuit: \_\_\_\_\_

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8. Approximate date of disposition. Attach Copies: \_\_\_\_\_
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?  
☐ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. Did you exhaust available administrative remedies?  
☐ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

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Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Name and location of court and case number:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Grounds for dismissal: ☐ frivolous ☐ malicious  
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: \_\_\_\_\_

5. Approximate date of disposition: \_\_\_\_\_

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Sexual Harassment - Hackney  
I fear for my life here now.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Supporting Facts: unlawful touching

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CLAIM 2: \_\_\_\_\_

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Supporting Facts: \_\_\_\_\_

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CLAIM 3: \_\_\_\_\_

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Supporting Facts: \_\_\_\_\_

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CLAIM 4: \_\_\_\_\_

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Supporting Facts: \_\_\_\_\_

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CLAIM 5:

Supporting Facts:

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Loss of weight and depression

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

Moved to another Institution while this complaint is pending and awarded \$150,000 Dollars.

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**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Hazleton, PA on 4-7-2021.  
(Location) (Date)

Wayne Thomas Johnson  
Your Signature